

Remarks

Applicants have herein canceled claims 16-23 and 26 without prejudice or disclaimer. Applicants reserve the right to pursue the subject matter encompassed by all canceled claims in one or more divisional or continuation applications. Claims 6 and 14 have been amended to correct minor clerical errors. And, new claims 28-52 have been added herein to expand the embodiments of the elected subject matter. No new matter has been added.

New claims 28-52 find support in the claims and throughout the specification as originally filed. For example, support for the new claims may be found in the specification at: page 1, paragraph [0002], last sentence (ischemia, restenosis); page 3, paragraph [0010] (wound healing, cardiovascular disease); page 7, paragraph [0034] (Pasteur Institute deposit number CNCM I-2695); page 45, paragraph [0135], (fusion to human serum albumin); page 55, paragraph [0164] (administration of adenoviral vectors); page 63, paragraphs [0202]-[0205], (regeneration of tissues); page 73, paragraph [0237] (pharmaceutical carriers); and page 74, paragraph [0239] (routes of administration). Thus, no new matter has been added.

Upon entry of the present amendments, claims 1-15, 24-25, 27-52 will be pending.

Provisional Election With Traverse

The Examiner has issued an election requirement separating the pending claims into 5 different groups. *See*, Paper No. 9, pages 2-6. To comply with the pending election requirement, Applicants herein provisionally elect, *with traverse*, Group I (method of stimulating angiogenesis with a polynucleotide) as recited in claims 1-14 and new claims 28-52. Applicants respectfully traverse the present election requirement.

Restriction remains improper unless it can be shown that the search and examination of all groups would entail a "serious burden." *See* M.P.E.P. § 803. In this regard, Applicants submit that a search of the polynucleotide claims would provide useful information for the claims in other related groups. For example, a search of CTGF-2 polynucleotides would inherently provide relevant information for CTGF-2 polypeptides and antibodies. Furthermore, the information about CTGF-2 polynucleotides, polypeptides, and antibodies would also reveal relevant information pertaining to the subject matter encompassed by Groups II-V. Therefore,

since a search of Group I claims would overlap with a search of Groups II-V, Applicants respectfully request the restriction requirement be reconsidered and withdrawn.

Conclusion

Applicants respectfully request that the above-made remarks be entered and made of record in the file history of the instant application. The Examiner is invited to call the undersigned at the phone number provided below if any further action by Applicant would expedite the examination of this application.

If there are any fees due in connection with the filing of this paper, please charge the fees to our Deposit Account No. 08-3425. If a fee is required for an extension of time under 37 C.F.R. § 1.136, such an extension is requested and the fee should also be charged to our Deposit Account.

Dated: JUNE 16, 2003

Respectfully submitted,

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